

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

UNITED STATES, :
: :
v. : CASE NO.: 7:21-cr-7 (WLS)
: :
BARRY KIYA DAISE., :
: :
Defendant. :
: :

ORDER

Before the Court is the Defendant's Unopposed Motion to Continue, filed September 24, 2021. (Doc. 35.) The Defendant moves to continue trial in this case, which is currently scheduled to begin in November 2021, to resolve a supplemental discovery request. Counsel for the Defendant requested supplemental discovery from the Government, which was provided on September 17, 2021 and the discovery received is voluminous. (*Id.*) Counsel for the Defendant states that it will need additional time to review the supplemental discovery and complete a meaningful investigation before a determination of possible defenses to the charges can be made. (*Id.*) For the reasons below, the Motion (*Id.*) is **GRANTED**.

The Speedy Trial Act permits a district court to grant a continuance of trial so long as the court makes findings that the ends of justice served by ordering a continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Section 3161(h)(7)(B) provides several factors the Court must consider when granting a continuance. *United States v. Ammar*, 842 F.3d 1203, 1206 (11th Cir. 2016). Among those factors are the likelihood that the lack of a continuance will result in a miscarriage of justice and the likelihood that failure to grant a continuance would deprive the defendant continuity of counsel or reasonable time necessary for effective preparation. 18 U.S.C. § 3161(h)(7)(B).

The Court finds that the failure to grant a continuance here would likely result in a miscarriage of justice and deprive Defense Counsel of reasonable time necessary for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(i) and (iv). Notably, Counsel for the Defendant needs additional time to review supplemental discovery. (*Id.* at 2.)

Accordingly, the Defendant's Unopposed Motion for Continuance is **GRANTED**. The case is **CONTINUED** to the Valdosta trial term beginning February 7, 2022, unless otherwise ordered by the Court. The Court **ORDERS** that the time from the date of this Order to the conclusion of the February 2022 Trial Term is **EXCLUDED FROM COMPUTATION** under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7).

SO ORDERED, this 27th day of September 2021.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE

UNITED STATES DISTRICT COURT